

TRAVIS AND JESSICA FRITZ As Third Party Beneficiaries of LAXMIJI, LLC individually and LAXMIJI, LLC d/b/a MOUNTAIN VISTA INN & SUITES, BHARAT PATEL individually and BHARAT PATEL d/b/a MOUNTAIN VISTA INN & SUITES, JAGRUTI PATEL,

Defendant.

noneconomic damages, and thus is unenforceable against St. Paul. Third, St. Paul had no duty to defend or indemnify as to the Plaintiffs' underlying claims for carbon monoxide poisoning because of the policy's pollution exclusion.

In support of this Motion, St. Paul relies on the arguments and authorities set forth in the supporting Memorandum, as well as its contemporaneously filed Statement of Undisputed Facts.

WHEREFORE, PREMISES CONSIDERED, St. Paul respectfully requests that the Court grant this Motion for Summary Judgment on the breach of contract claim in favor of St. Paul, and dismiss this action with prejudice and with costs adjudged against Plaintiffs.

Respectfully submitted this 3rd day of April, 2019.

s/ Amy Worrell Sterling

Michael G. McLaren (#5100)

Amy Worrell Sterling (#25773)

BLACK McLAREN JONES

RYLAND & GRIFFEE, P.C.

530 Oak Court Drive, Suite 360

Memphis, Tennessee 38117

901-762-0535

901-762-0539 – fax

mmclaren@blackmclaw.com

asterling@blackmclaw.com

*ATTORNEYS FOR ST. PAUL FIRE AND
MARINE INSURANCE COMPANY*

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing has been served upon all counsel of record in this cause electronically via the Court's ECF system on this the 3rd day of April, 2019.

s/ Amy Worrell Sterling